

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
SEPTEMBER 11, 2006**

- PRESENT:** Mary Blake, Jeannie Bush, Howard Twait, Jeffrey Patterson, Janice Boeck, Rod Gottfredsen
- EXCUSED:** Vera Harris and Nancy Paggao
- STAFF PRESENT:** Tim Wellnitz, Bureau Director; Steve Gloe, General Counsel; Peggy Wichmann, Legal Counsel; Gina York, Bureau Assistant; Other Department Staff were present for portions of the meeting
- GUESTS:** Avita Regan, Michelle Krueger, Laura Ruiz, Gail Lerman, Bonnie Point, Diane Johnson, Hilary Burnett, Jeremy Levin, Jamie Schwabe, Jodi Ann Curtis, Denis Trokan, Joan Kornitz, Linda Van Scotter, Katie McDowell, Hafiezah Ahmad, Tracy Klinko, Kizzy Chwala, Bethany Mog, Ashley Johnston, Misti Laufenberg, Bess Karns, Tes Beschta, Heather Henke, Niki Polinsky, Heather Olson, Megan Christopherson, Misty Price, Chelsie Zima, Jenna Vande Lee, Angela Schorl, Jennifer Stoll, Karla Stefuniak, Holly Wertschnig, Nikki Lynn Kaumann, Any Gullickson, Heather Barber, Annette Hill, Kristy Batchelor, Stacey Seik, Jessica Smith, Dawn Przybylski, Dana Warden, Michelle Burclair, Stacey Glesson, Marie Ortner, Shanna Lynch, Stacey Heintz, Jaimee Wayerski, Amy Weidenman, Andrea Boyd, Lori Kazmierczak, Nicole May, Jessica Sazama, Jessica Katz, Angela Esselman, Bobbie Larrett, Amy Novak, Jessie Steinmetz, Nikki Edinger, Kou Xiong, Beth Fost, Jamie Crammer, Jackie Lang, Samantha Manicke, Kristen Altmann, Amanda Napiwocki, Holly Swensen, Ashley Contreras, Alyssa Jazkowski, Amanda Inanski, Miranda Mayo, Patricia Lemke, Patricia Steiner, Patrice Van Decker.

CALL TO ORDER

Jeannie Bush, Chair, called the meeting to order at 9:36 a.m. A quorum of six members was present.

AGENDA

Additions/Revisions to the Agenda

- After Selection of Credentialing liaison – Add 2007 Meeting Dates
- Under Presentation of Proposed Stipulations – Remove number 2.
- After Item D – Change Item to Read “Update and Discussion of Requested Revisions on Proposed Rules Relating to Microdermabrasion and Chemical Skin Peels CR 05-118
- After Item G – Change Item to Read “Update and Discussion from Barbering and Cosmetology Continuing Education Committee

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES (06/05/2006)

MOTION: Jeffrey Patterson moved, seconded by Janice Boeck, to approve the June 5, 2006 minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT TIM WELLNITZ, BUREAU DIRECTOR

Celia Jackson

At today's meeting, Celia Jackson, Secretary of DRL, presented to the Board information she had gathered in her travels throughout the state. She expressed concerns and trends she has seen in the field such as unlicensed activity and needed improvements for school curriculum. She discussed with the Board the creation of a Task Force to address these issues and prepare listening sessions on specific topics to educate salon owners, practitioners, and the public. Rod Gottfredsen and Jeffrey Patterson volunteered to work on the Task Force. Jeannie Bush volunteered to assist in the hosting of a listening session in her area.

Selection of a Credentialing Liaison

The Board discussed the appointment of credentialing liaisons at today's meeting and took the following action.

MOTION: Howard Twait moved, seconded by Rod Gottfredsen, to appoint Jeffrey Patterson as the credentialing liaison related to apprenticeships and Janice Boeck for all other credentialing issues. Motion carried unanimously.

2007 Meeting Dates

Mr. Wellnitz presented the proposed 2007 meeting dates at today's meeting and the Board took the following action.

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to approve the proposed 2007 meeting dates. Motion carried unanimously.

Discussion of Case Advisor Reassignment

The Board discussed what their policy would be regarding the reassignment of cases when necessary due to a vacancy or a conflict of interest. The Board requested that DOE staff reassign cases.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT SUBMITTED AFTER PRINTING OF THE AGENDA

The Division of Enforcement did not give a presentation for the following Stipulations:

1. Bertie Horton 03BAC 038
3. My Dung Thi Nguyen d/b/a Natural Nails 03 BAC 116
4. Salon Ambiance 03 BAC 118
5. Kurt W Bjork and Kurts Barber Shop 04 BAC 039
6. Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop 04 BAC 062
7. Dannette M. Weismann 05 BAC 033
8. Maria E. Cadavid and Mary's Beauty Salon 05 BAC 092
9. Kim Huyen Nguyen and A Nails 06 BAC 013

LEGISLATIVE/ADMINISTRATIVE RULES UPDATE

Discussion of 4.02 (3) – Definition of Disinfection

The Board discussed this topic at length and requested that the scope statements that were previously published be reviewed to see if this issue would be covered in one of those scope statements. Mr. Wellnitz will place this topic on the next meeting agenda.

Update and Discussion of Requested Revisions on Proposed Rules Relating to Microdermabrasion and Chemical Skin Peels CR 05-118

Mr. Wellnitz shared with the Board that a hearing was recently held on this rule by the Assembly Health Committee. Kimberly Nania, Administrator of Board Services, Jeannie Bush, Board Chair, attended on behalf of the Board and Department. There were some recommendations for revisions that included clarification that practitioners will perform chemical exfoliation instead of chemical peels and clarify that only FDA approved class I machines may be used by practitioners for microdermabrasion. The Committee also requested a 6 hour continuing education requirement for individuals performing laser hair removal, chemical exfoliation, or microdermabrasion and training for individuals prior to providing laser hair removal. Mr. Wellnitz and Steve Gloe, General Counsel, reviewed an updated draft with the Board that reflected the changes requested at the hearing. The Board allowed a comment session from the audience at today's meeting.

MOTION: Janice Boeck moved, seconded by Rod Gottfredsen, to adopt CR 05-118 as amended with the revisions as presented to the Board at the 09-11-06 meeting as well as removing the word "but" on page 9 in BC 1.01(7m) and on page 11 in BC 2.025(2m) change "class one" to "Class I" and to return the rule to the Legislature. Motion carried unanimously.

EXAMINATION AND EDUCATION

Recommendations for Aestheticians Examinations

Darwin Tichenor, Office of Education and Examinations, shared information and recommendations from the committee that was created to review the aesthetician examination. All one hundred and ten (110) questions and found no problematic areas. All questions were reasonable and appropriate. Each of the committee members rated the exam and recommended that the passing score be lowered from 80% to 75%. Therefore starting in January 2007, seventy-five out of one hundred points will be passing.

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to approve the recommendations to the Aestheticians examination as presented with an effective date of January 2007. Motion carried unanimously.

TRAVEL

Report on the NIC Annual Conference, August 26-28, 2006 - Janice Boeck

Janice Boeck provided a report to the Board regarding her attendance of the NIC Annual conference which was held on August 26-28, 2006. Topics of discussion were infection control, an alert on fake licensure, and discussions surrounding compact licensure between states. A handout from the conference regarding domestic violence was distributed to the Board.

Letter from International Nail Technicians Association (FYI)

Noted.

Article about Mycobacterium (FYI)

Noted.

Colorado's Policy on Medical Devices (FYI)

Noted.

**UPDATE AND DISCUSSION FROM BARBERING AND COSMETOLOGY
CONTINUING EDUCATION COMMITTEE**

The Committee requested Barbara Showers, Office of Education and Examinations, prepare a position paper regarding continuing education. Secretary Jackson will be setting up four to five listening session across the state starting early next year on continuing education and other issues. The Task Force that has been created will with Secretary Jackson to provide recommendations and suggestions for topics to be addressed at these listening sessions.

PRACTICE ISSUES

Use of LED Photo Machines

Mr. Wellnitz informed the Board that additional information was requested from the individual that submitted the practice question but no additional information was provided. The Board discussed that the LED Photo machines are a FDA class I device which are used to rejuvenate the skin and are within the scope of practice for Barbering and Cosmetology and Aestheticians licensure. Peggy Wichmann, Legal Counsel, will prepare a draft response on behalf of the Board, which will be reviewed at the Board's next meeting.

VISITORS COMMENTS

The Colorado Board passed to allow Aestheticians to use FDA class I devices. Avita Regan,

Avidern Skin Care, and presented to the Board their recommendation that the Wisconsin Barbering and Cosmetology Examining Board consider approval of FDA class I devices as well.

CONVENE TO CLOSED SESSION

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Roll Call Vote: Mary Blake-yes; Jeannie Bush-yes; Jeffrey Patterson-yes.; Janice Boeck-yes, Rod Gottfredsen-yes, Vera Harris- yes, Nancy Paggao – yes, and Howard Twait-yes. Motion carried unanimously.

Open session recessed at 12:08 p.m.

RECONVENE INTO OPEN SESSION

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to reconvene into Open Session at 1:05 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Janice Boeck moved, seconded by Rod Gottfredsen, to approve the citations in case **06 BAC 023** and close case **06 BAC 023** as recommended by DOE. Motion carried unanimously.

MOTION: Janice Boeck moved, seconded by Rod Gottfredsen, to close as recommended by DOE for the establishment only for case **05 BAC 015**. Motion carried unanimously.

MOTION: Howard Twait moved, seconded by Janice Boeck, to close the following cases as presented by the Division of Enforcement. Motion carried unanimously.

**03 BAC 038
04 BAC 006
04 BAC 036
05 BAC 003
05 BAC 071
06 BAC 005
06 BAC 021
06 BAC 029
06 BAC 039
06 BAC 043**

STIPULATIONS

MOTION: Janice Boeck moved, seconded by Howard Twait, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning **Bertie Horton 03 BAC 038; My Dung Thi Nguyen d/b/a Natural Nails 03 BAC 116 ; Salon Ambiance and Kenneth Efange 03 BAC 118; Kurt W. Bjork and Kurts Barber Shop 04 BAC 039; Deshunka Peppers, Robert D. Hopkins and Top of the Line Barbershop 04 BAC 062; Dannette M. Weisman 05 BAC 033; Maria E. Cadavid and Mary's Beauty Salon 05 BAC 092; and Kim Huyen Nguyen and A Nails 06 BAC 013.** Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Rod Gottfredsen moved, seconded by Mary Blake, to approve the administrative warnings in the matter of **04 BAC 007, 04 BAC 036, 05 BAC 053, and 06 BAC 021.** Motion carried unanimously.

PROPOSED DECISION

**I'MUNIQUES HAIR SALON & FULL SERVICE SPA, AND
TANGELA R. BRADFORD 03 BAC 107**

MOTION: Janice Boeck moved, seconded by Mary Blake, to adopt the Stipulation, Findings of Fact, Conclusions of Law and Order, in the matter concerning I'Muniques Hair Salon & Full Service Spa, and Tangela R. Bradford 03 BAC 107. Motion carried unanimously.

APPLICATION REVIEWS SUBMITTED AFTER PRINTING OF AGENDA

TAMMY FLYNN

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to grant a 30 day extension for Tammy Flynn, to employ and report the name of a manager of record for the Elegance Salon and Spa. Motion carried unanimously.

ADJOURNMENT

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to adjourn the meeting at 1:14 p.m. Motion carried unanimously.

NEXT MEETING: DECEMBER 4, 2006